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SUBJECT: PROSECUTION PRESENTS EVIDENCE DURING THIRD SESSION OF
GRANVILLE/ABBAS TRIAL

REF: A) KHARTOUM 1340
B) KHARTOUM 1329
C) KHARTOUM 1306
D) KHARTOUM 1255

¶1. (U) SUMMARY: On September 11, U.S. Embassy Foreign Service National employees from the Regional Security Office, Political/Economic, and Public Diplomacy sections attended the third session of the trial of five Sudanese men accused in the January 1, 2008 murders of USAID Officer John Granville and FSN driver Abdelrahman Abbas. Judge Said Ahmed al-Badri presided. The Granville family's attorney, Mr. Taha Ibrahim, was introduced to the court during this session. The three-hour proceedings introduced evidence including police reports, a crime scene sketch, photographs, autopsy reports, defendant statements, receipts, weapons, and ammunition casings. Four of the five defendants said their confessions had been coerced. Two of the defendants told the judge they were arrested earlier than the dates reflected on the police documents. After the exhibits, documents, and statements had been presented for each defendant, the judge set the next court dates for Sunday, September 21, and Monday, September 22. End SUMMARY

TRIAL PARTICIPANTS AND EMBASSY OBSERVERS

¶2. (U) Five Foreign Service National (FSN) employees observed the trial for the U.S. Embassy. Due to security concerns (reftel B,) the FSNs arrived at the courthouse in staggered intervals and did not sit together, acknowledge each other's presence, or identify themselves as US Embassy employees. Although security was significantly improved with the deployment of more than 100 riot police officers outside the courthouse, the FSN employees were allowed to pass through police lines by simply stating they needed to go inside. Of the five, only one was asked for identification. After presenting his military identification card, the FSN was allowed to continue without additional questioning. None of the FSNs was searched before entering the courtroom.

¶3. (U) Several members of local and international media, including Al Jazeera, attended and filmed the court proceedings. At least four plain-clothes police officers were positioned in the courtroom sitting among family members, journalists, and other observers. A Sudanese military intelligence official was also in the audience observing the proceedings.

¶4. (U) Judge al-Badri called the court to order at 11:00 a.m. and recognized the prosecution and defense panel chairs for opening statements. Prosecution Chair Mohamed Mustafa Musa introduced himself and the members of the prosecution panel of four attorneys. Babiker Abdel Latif, the Ministry of Justice's Chief Prosecutor for Khartoum State was not present. Following the introduction of the prosecution panel, the judge recognized Mr. Taha Jarbur Ibrahim, the Sudanese attorney representing the Granville family. Mr. Ibrahim informed the court that he was not there on behalf of the US Government or US Embassy, but rather to represent the interests of John Granville's mother and sister. Mr. Abu Sugra, the attorney

representing Abdelrahman's family, arrived approximately 25 minutes late and did not actively engage in prosecution panel discussions. The defense was represented by Sidiq Ali Kodada and four other attorneys for the accused.

EVIDENCE SUMMARY

¶5. (U) Following the introductions of the prosecution and defense teams, the judge called on Major General Abdelraheem Ahmed Abdelraheem from the Sudan National Police Criminal Investigation Division (CID). General Abdelraheem told the court he was the chief investigator in the case, and had led a team including representatives from the Sudan National Police, National Intelligence and Security Service (NISS) and Sudan's Armed Forces Military Intelligence division (MID). Abdelraheem presented evidence exhibits that included: a crime scene sketch, crime scene photographs, Abbas, Granville and witness documents, and defendant statements. The various exhibits for the victims contained autopsy authorizations and reports, police complaints, injury description and analysis, death certificates, and CID blood and urine toxicology reports. After the presentation of general exhibits, specific evidence against each defendant was introduced. The evidence included written statements, digital video recorded confessions, and physical evidence linked to several of the defendants.

EVIDENCE AGAINST DEFENDANTS

¶6. (U) The prosecution's presentation of evidence began with that against Mohamed Makawi. The prosecutor said Makawi had been in the front right passenger seat of the attack vehicle, a rented four-door Hyundai Accent, and had fired the first two shots from a 9mm pistol, killing Abdelrahman before the pistol jammed. According to defendant Abd Al-Ra'ouf's statement, the group had agreed in advance that Makawi would lead the attack. Makawi told police that he traveled to Khartoum three days before the murders to look for targets, and was assisted by a sixth participant, Mohamed Ibrahim, aka "Hamza," who provided information on the American Embassy's office compounds and when Americans left home to go to work. He claimed Ibrahim was with him when he surveilled embassy venues including the recreation site, residences, and offices. He identified American Embassy residences by following employees home from their offices.

¶7. (U) At approximately 10:00 p.m. on December 31, 2007, the prosecution said that Makawi and three of his co-defendants arrived in Khartoum from nearby Atbara in a rented Hyundai. Makawi claimed that Mohamed Osman had purchased weapons and ammunition for their planned attack. Makawi informed the police that their intent was to find a New Year's Eve party and to kill guests as they were leaving. After being unable to find any large gatherings, they parked at the Khartoum Medical Academy near Street 60 and Omak Road Extension (Menshia Road) intersection to look for targets on their way home from a party. Makawi stated that although attacking Americans had not been the original plan, they had subsequently agreed that the target should be an American. In his statement, he also said that Mohamed drove the attack vehicle, and that they had with them three Kalashnikov rifles and one 9mm pistol. When asked by Judge Al-Badri to confirm that the statement read was his, Makawi acknowledged making the statement, but said he had been coerced into doing so. When presented with the 9mm pistol and three empty 9mm casings, Makawi denied ownership or use of the weapon.

¶8. (U) In its presentation against the second defendant, the police reported that Abd Al-Basit sat in the rear right passenger seat and fired six shots from a Kalashnikov rifle into the USAID vehicle after Makawi's pistol jammed. The police alleged that a 7.62mm round fired from Abdulbasat's Kalashnikov was the fatal shot that killed John Granville. The prosecution also argued that Abd Al-Basit rented two vehicles, one for the attack vehicle and a second get-away car. The group parked the get-away car, a Suzuki SUV, at the Banjadit Al-Had Yussef Hospital in the Bahri District of North Khartoum. The prosecution stated that Abd Al-Basit provided a confession to Judge Osama Jibril Ahmed at the Khartoum North Court

on February 26, 2008. The police presented two empty 7.62mm brass casings, two rental vehicle agreements for a Hyundai Accent with registration 1314 and a Suzuki sport utility vehicle with registration 507, and toll gate receipts from Shendi, North Khartoum, that were found in the rental vehicle and attributable to Abd Al-Basit.

¶9. (U) In his statement presented by the prosecution, Abd Al-Basit said that he had fired six 7.62mm Kalashnikov rounds into the USAID vehicle on January 1. After departing Khartoum, he said they stopped in Shendi for morning prayers around 5:30 a.m. on the way back to Atbara. While there he changed clothes and washed the rental car at approximately 6:30 a.m. He stated that he returned the rental car between 10:00 a.m. and 12:00 noon on January 1. When confronted with the prosecution's evidence, Abd Al-Basit denied any knowledge of the casings, car rental agreements, or toll receipts. When asked if he had made the statements, Abd Al-Basit responded, "No, those are the Intelligence Service's statements, specifically that man," and pointed to a bald man sitting on the dais between Judge Said and CID Director Major General Abdein. The FSNs later identified the bald man as a NISS representative on the investigative commission. Abd Al-Basit also informed the judge that he was arrested on February 1 and not February 25 as stated in the police report.

¶10. (U) The statements produced by the prosecution indicated that the third defendant, Mohamed Osman, was the driver of the attack vehicle used on January 1. Police reported Osman was arrested on March 11 in Abu Sayed, Omdurman, and provided a video recorded confession on March 12 at the Khartoum North Court. When asked to confirm the statements read by the lead investigation were his, he responded, "No, those are the statements of the prosecutors, those devils." He also told the judge that he was arrested in Omdurman by NISS, and did not know anything about the weapons presented at the trial.

¶11. (U) In defendant Abd Al-Ra'ouf's statement he said the group prepared for martyrdom by bathing, dressing, and applying perfume

before departing Atbara on December 31: "We were expecting to see the next sunrise in heaven." Abd Al-Ra'ouf told the police that the group wanted to attack a New Year's Eve party where Americans were celebrating. He said they knew to look for holiday (Christmas) lights to determine who had not leave for the holidays, and were more likely to host a party. He told police there were no lights on at any of the residences they had surveilled. While driving around Khartoum the group spotted a vehicle with British diplomatic license plates. Abd Al-Ra'ouf said the group thought about attacking the British vehicle in retaliation for an incident at a Khartoum elementary school in which a British teacher had allowed her students to name a teddy bear "Mohamed." However, the area was too congested to launch an attack, and they later lost sight of the vehicle in traffic.

¶12. (U) Abd Al-Ra'ouf claimed that he fell asleep in the backseat of the car while the group was looking for other targets, and woke up just as the attack on Abdelrahman and Granville took place. He told police that after the shooting, he said "Kabbarna" (the act of praising God by shouting "Allahu Akhbar" repeatedly). Abd Al-Ra'ouf told police that Makawi wanted to photograph Abdelrahman and Granville after the attack, and handed Abd Al-Ra'ouf a camera, but he claimed to have told Makawi that Islam prohibited the taking of photographs during jihad. He said that Makawi seemed to understand, and did not pressure him any further. Abd Al-Ra'ouf said in his statement that they fled Khartoum via the Menshia Bridge towards Hajj Yussef Sukuji. Although they intended to switch vehicles at the Banjadat Hospital parking lot, they noticed someone who appeared to be observing them. They drove both vehicles to the Khartoum North Hospital where they transferred their weapons and clothing to the Suzuki.

¶13. (U) Abd Al-Ra'ouf told police that he had password access to El-Ekhlās and Hessiba websites where he drafted and posted a press release claiming responsibility for the attacks and announcing a jihad against Christianity. He said that he wrote that the killing of the two victims was justified because Granville was an infidel and Abdelrahman had sold his religion in exchange for money (i.e. by working for the US Government.) In his statement, Abd Al-Ra'ouf

accused Sudanese government authorities of falsifying reports to the media that the killing was due to personal, immoral acts committed by Granville. The judge asked him to confirm that he made the statement to the police. Abd Al-Ra'ouf denied making the statement on his free accord, and told the judge that he was arrested on February 8 and not on March 11 as stated in the record.

¶14. (U) The fifth defendant, Morad Abdelrahman told investigators in his statement that he did not know fellow defendants Mohamed Osman or Abd Al-Basit very well, although he and Abd Al-Basit were distant relatives. Morad told police that he rented a house in Atbara and paid two months' rent for Abd Al-Basit. He also admitted to introducing Abd Al-Basit and Mohamed to an individual known as "Al Rashidi" (a man from the Rashaida region in eastern Sudan known for its trade in weapons.) Morad said they met in the desert and that Al Rashidi was driving a pick-up truck. Morad said he walked away once he made introductions to allow Mohamed and Abd Al-Basit to negotiate with Al Rashidi. Morad told the police that Mohamed and Abd Al-Basit purchased two Kalashnikov rifles; one had a wooden shoulder stock and the second was metal. Morad claimed that Al Rashidi made them promise that the weapons would not be used against the government or in a robbery.

¶15. (U) Morad also told investigators that on January 1 he saw Abd Al-Basit drive by and flagged him down as he was waiting for public transportation with a sick relative who needed to travel to the hospital in Shendi. Abd Al-Basit stopped and provided Morad and his relatives a ride to the Shendi hospital while on the way back to Khartoum to return the Hyundai rental vehicle. After his statement was read, Morad confirmed to the judge that it had been made of his own free will. He was the only defendant who did not say he was coerced, and the only one of the accused not present during the attack.

Trial Adjourned Until 9/21

¶16. (U) After the exhibits, documents, and statements had been presented for each defendant, the judge called the prosecution and defense panels together to adjourn and set the date for the next session. After ten minutes of deliberation, the judge set the next court dates for Sunday, September 21, and Monday, September 22.

Follow Up

¶17. (SBU) During the evening of September 11, the ARSO and TDY Cairo A/LAT met with Major General Abdein Tahir at his office to discuss his impressions of the trial. During their meeting, General Abdein related that the lead police investigator for the prosecution, General Abdelraheem, was directly threatened by Makawi (one of the defendants) after the September 11 trial session had adjourned. Makawi apparently told General Abdelraheem: "We know where you live, and we will get you." In addition, General Abdein recounted again the fact that Abdel Basit (one of the defendants) made a comment about Abdein's recent trip to the United States. General Abdein took this as an implied threat that the defendants were implying they had contacts within the government who supplied them with information regarding the day-to-day activities of high-level police officials.

¶18. (SBU) The Embassy's EAC will convene on Thursday, September 18, to determine the appropriate level of participation at the next trial session.

FERNANDEZ